IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1876 OF 2002

Bhaichand C. Mehta (Premises No.7)
& Ors. ..Petitioners
Vs.
Dattatray Eknath Teredesai & Ors. ..Respondents

Mr.Shailesh B. i/b. Niranjan & Co. for Petitioners
Mr.S.R. Gupta i/b. Mr. G.S. Bhat for Respondent No.1
Mr.R.S. Datar for Respondent Nos.2 & 3
Mr. H.C. Pimple for Respondent Nos.4 & 5

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 20TH APRIL, 2005.

P.C.

. There were civil disputes between the parties. Pursuant to which the Petitioners herein had filed Suit No.2358 of 2000. Consent terms have been filed therein which amongst other terms includes clause 14 which sets out that consent of the Petitioners for development of suit property by constructing Eknath Apartment and extension of Sumati Apartment. The present petition has been filed in the matter of construction of Sumati Apartment extension and the contention raised was that the Defendant no.1 agreed to shift the pump room, toilet and water tank existing between Sumati Apartment and Eknath Apartment. Respondent Nos. 2 and 3 have filed affidavits setting out their stand.

. In our opinion this will not be a fit case

to exercise the extra ordinary jurisdiction, more so because of the earlier suit and the consent terms. It will be open to the Petitioner either to file proceedings in execution or if there be subsequent events or cause of action or to file a suit against the Respondents.

. With the above order Writ Petition stands disposed of. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)